

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 12TH JULY 2006 / 21ST ASHADHA,1928

Bail Appl..No. 3992 of 2006

(CRIME NO.108/2005 OF CHANDERA POLICE STATION)

PETITIONER/ACCUSED.

SULAIMAN.C.T. AGED 33 YEARS,
S/O.ABDUL AZEEZ MASTER, R/A. O.T.HOUSE, THAIKKAD,
SOUTH THRIKKARIPPUR VILLAGE, HOSDURG TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT.

STATE OF KERALA, THROUGH THE SUB
INSPECTOR OF POLICE, CHANDERA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12/07/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. 3992/2006

DATED THIS THE 12TH DAY OF JULY, 2006

O R D E R

The petitioner is before this Court, under Section 438 Cr.P.C., in crime No.108/2005 of Chandera Police Station. The offence alleged against him, the second accused, as well as others are under Sections 143, 147, 148 and 153A read with Section 149 IPC. It is alleged that the petitioner had uttered words, which would incite the communal feelings of another faction. However, the counsel for the petitioner submitted that the petitioner is a teacher and the leader of the political party of the locality, that the present crime had been registered with an ulterior motive and the petitioner had not used such words, while the petition was in process.

2. After considering the materials that are produced before me, I direct the petitioner to surrender before the Judicial Magistrate of First Class-I, Hosdurg, on 18.7.2006, at 11.00 a.m.

3. The petitioner shall be released on bail, imposing such conditions, which are deemed necessary by the learned Magistrate. However, if the Investigating Officer files an application for the custody of the petitioner, the learned Magistrate shall peruse the records, hear both sides and shall pass orders on merit, considering whether the ingredients of Section 153A of IPC is attracted or not.

The application is disposed of as above.

**J.M.JAMES
JUDGE**

mrCS